



**FAIRFAX COUNTY BOARD OF SUPERVISORS'
2002 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
Revised March 18, 2002**

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The report will be available beginning Tuesday, March 19, 2002 on the Board of Supervisors Webpage at <http://www.fairfaxcounty.gov/government/board/default.htm> listed under "Programs and Reports." Individual bills will be linked to their corresponding status page on the Virginia Legislative Information System Website.

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <http://leg1.state.va.us/021/lis.htm>



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Section I

COUNTY PRIORITIES

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EDUCATION AND/OR TRANSPORTATION SALES TAX REFERENDUM LEGISLATION

Similar to the 2001 General Assembly, the waning days of this General Assembly focused on measures to allow local or regional referenda for voters to decide whether to increase income or sales taxes for education and/or transportation in Northern Virginia. Throughout the Session the Speaker of the House continued to oppose any statewide referendum for education purposes and the Senate continued to insist that education be included with any transportation referendum; meanwhile, Governor Warner signaled support for a statewide referendum for education in addition to his support for regional referenda for transportation in Northern Virginia and the Hampton Roads region.

At the very end, however, despite the existence of a compromise measure ([SB170](#), Colgan) agreed to by a conference committee of Senate and House members and passed by the full Senate, and despite the Senate wrapping the same compromise measure during the final day into a Senate bill ([SB692](#), Saslaw), the House abruptly adjourned sine die without considering either measure. There is wide speculation as of the writing of this report that similar referenda legislation will be considered at the time of the upcoming April 17 veto override session, either in the form of an amendment or new legislation by Governor Warner.

Chronology of the bills

As the 2002 Session began there were about a dozen pieces of legislation offered by Northern Virginia and Hampton Roads legislators to provide for an array of local or regional referenda for a local or State sales tax for education and/or transportation. All are explained in greater detail in the accompanying chart (**see pages 4-9**) and reflect the content of each bill when final action was taken. Several bills would have required General Assembly action without any voter referendum. However, all Northern Virginia bills were either rolled into other legislation, killed or carried over.

As the Session progressed, serious deliberation on the referendum legislation focused on four bills, three introduced initially at the beginning of the Session and one introduced later in the Senate by unanimous consent. Of the four, only [SB668](#) (Williams) passed; this legislation will increase the sales tax by one cent in the Hampton Roads region for specific transportation projects if approved by a simple majority of voters in the Hampton Road region in a referendum to be held in November, 2002.

[HB1296](#) (Rollison) as initially passed by the House would have increased the state sales and use tax by one-half percent in all cities and counties in Northern Virginia for transportation purposes if approved in a November 2002 referendum by a simple majority of voters in that region. As passed by the Senate, however, the bill became a statewide sales tax referendum measure for education, based on a "compromise" formula, and a regional Northern Virginia sales tax referendum for transportation.

This substitute Senate version of the bill was rejected by the House, 33-65. A conference committee was appointed, consisting of Senators Colgan (Prince William), Stolle (Virginia Beach) and Norment (Williamsburg) and Delegates Rollison (Prince William), DeVolites (Fairfax County) and Councill (Sussex). The conference on [HB1296](#) ultimately agreed to a Northern Virginia transportation-only sales tax referendum. The conferees decided to put the transportation-only bill to a vote to see whether it would pass both houses, with the understanding that the conferees would reconvene and decide on [SB170](#) depending on the result of [HB1296](#). The conference report on [HB1296](#) was soundly defeated 27-12 by the Senate during the last week of the Session since education was not part of the bill.

The final days of the Session then focused on trying to achieve a compromise version of [SB170](#) (Colgan) so that Northern Virginia localities would not go home "empty-handed." As originally introduced, [SB170](#) contained sales tax provisions for both education and transportation; as passed by the Senate the legislation provided for a statewide referendum for education purposes (based on a $\frac{1}{3}$ - $\frac{1}{3}$ - $\frac{1}{3}$ compromise distribution formula), a half cent Northern Virginia sales tax transportation referendum, and a one cent sales tax transportation referendum for Hampton Roads.

However, the House radically changed [SB170](#) to provide for up to a half percent local option income tax referendum for education in Northern Virginia (a change to existing law) and a regional Northern Virginia

sales tax referendum for transportation. This was deemed unacceptable to the Senate which again reiterated its support for a statewide education solution. A conference committee, appointed by the two bodies, included Senators Colgan (Prince William), Stolle (Virginia Beach) and Norment (Williamsburg) and Delegates Abbitt (Appomattox), Rollison (Prince William) and Parrish (Prince William).

After several lively, sometimes pointed meetings, the conference committee, on Friday, March 8, reached a compromise on [SB170](#) which was agreed to on a roll call vote, opposed only by Delegate Rollison. The compromise consisted of a State-imposed regional referendum in Northern Virginia for transportation and education (one half cent for each). Details included one question on the ballot for both issues, no locality opt-out provision, and a means of dealing with the perceived disparity issue for education. The latter involved lessening each Northern Virginia locality's State share of basic aid by twenty percent, to be distributed to .3400 or below composite index localities throughout the Commonwealth. The new half cent sales tax for education would be sent to Northern Virginia localities by point of sale and the new transportation half cent collected within the region would be given to a regional transportation authority. The Northern Virginia Transportation Authority (see [SB576](#)) would have the authority to issue bonds for projects listed in [SB170](#) if the additional sales tax is approved by the voters.

Proponents and opponents of the legislation anxiously awaited a copy of the conference report, but the Speaker of the House reportedly delayed House signatories while "negotiations" with the Governor were occurring with various legislators and the Speaker. Meanwhile, both legislative bodies were holding party caucus meetings.

Because [SB692](#) (Saslaw) had been introduced by unanimous consent in the Senate, the bill fell outside normal calendar deadlines. The bill, reported out of the Senate Finance Committee on a close 7-5-2 vote, changed the current Northern Virginia local income tax law to provide for up to a half percent local income tax in individual localities for education and transportation, and also included a disparity fund for education in certain other localities.

[SB692](#) was held on the Senate floor until the morning of the final day of the Session, March 9. At that time the Senate inserted the unpublished compromise version of [SB170](#) (which had been verbally agreed upon by the conferees) into a substitute version of [SB692](#). After brief debate and after adding Winchester to the bill, the substitute passed the Senate on a 33-6 vote and was communicated to the House for consideration.

After word spread through the Capitol that the conferees had signed [SB170](#), and that earlier [SB692](#) had been sent to the House, proponents of the sales tax legislation anxiously awaited House action. The House returned to the floor after separate Republican and Democratic caucuses, whereupon the Republican majority leader made an immediate motion to "adjourn sine die."

The "sine die" motion could not be substituted or superceded by any other motion. While the Democratic minority objected and asked to be able to consider the now-signed [SB170](#) conference report or [SB692](#) as communicated by the Senate, and while Senator Norment waited to be recognized to announce the Senate's action on the [SB170](#) conference report, the House abruptly adjourned. Both measures died without any consideration since the House adjourned without taking action.

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
SB170 (AS PASSED BY HOUSE) Colgan Finance Rep from Fin w/Sub 9-7 (2/12) Passed Sen w/Amd 32-8 (2/15) Rep from HFin w/Sub (2/25) Reref to HApp (2/25) Passed House w/Sub 54-45 (2/27) Conf Comm Appointed (2/27) (Stolle, Norment, Colgan, Parrish, Rollison, Abbitt)	Local Referendum for Education - NoVa localities only - Up to ½ percent local income tax (1/4 percent incremental) by individual locality ----- Regional Referendum for Transportation - ½ cent sales tax NOVA for transportation -----	- Two separate questions - No sunset EDUCATION - Amends current local income tax law, effective July 2002 - Deletes use of local income tax for transportation and replaces with education - Allows increment of ¼ percent up to ½ percent cap - Retains local maintenance of effort in current law; now applies to education - Repeals sunset clause ----- TRANSPORTATION - Nov 2002 referendum - Effective July 2003 - "No Supplant" clause for federal, state or local revenues - Maintenance of effort on local contribution to Metrorail - No tax on food	- Collected by the State and returned to city or county of origin - New income tax revenues shall not be used to calculate or reduce the share of State or federal revenues otherwise available to a locality, including but not limited to State basic aid payments. ----- N/A	Construction, renovation, technology and debt service ----- N/A	N/A ----- - \$2.325 billion in additional NVTD bonds issued by CTB. - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses.	N/A ----- YES
SB170 (CONFERENCE REPORT) Conf Comm Appointed (2/27) (Stolle, Norment, Colgan, Parrish, Rollison, Abbitt) Conf Report agreed to by Senate (3/9) No action by House (3/9)	Regional Referendum for Transportation and Education; NOVA localities - ½ cent for education and ½ cent for transportation	- State-imposed Nov. 2002 referendum - One ballot question for both education and transportation - No Sunset - No sales tax on food - Effective July 2003 - Repeals local income tax for NOVA - Maintenance of effort on local contribution to Metrorail - Shall not be used to calculate or reduce federal, state or local education or transportation funds available to localities	<u>NOVA LOCALITIES:</u> - Point of sale to individual localities for education, reduces State portion of State basic aid by twenty percent. <u>"DISPARITY LOCALITIES"</u> - Total amount of reduction in State basic aid from NOVA localities distributed to "disparity" localities with Composite Index (CI) equal to or less than .3400, distributed on ADM adjusted by CI - Requires local match based on CI	<u>NOVA Localities:</u> - Solely for public education, including but not limited to, operating expenses and capital projects <u>"DISPARITY LOCALITIES"</u> - Educational purposes, not to reduce expenditures below 2002-04 SOQ expenditure data, no per pupil greater than 2002-04 data required	- \$2.435 billion in Bonds to be issued by the Northern Virginia Transportation Authority. - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses	YES

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
SB 692 (AS INTRODUCED) Saslaw Finance Rep from Fin w/Sub 7-5-2 (3/4) Comm Sub Rejected by Senate 2-37 (3/9) Floor Sub Adopted 33-7 (3/9) Floor Sub Passed 33-6 (3/9) (see below)	Local Referendum for Education and Transportation; NOVA localities only - ½ percent local income tax	<ul style="list-style-type: none"> - Amends current income tax law to include education - Deletes local maintenance of effort for transportation and adds local maintenance effort for education - Repeals sunset clause - Retains State maintenance of effort for transportation and education referendum - One referendum question for transportation and education - Fifty percent for transportation purposes, forty-two and one-half percent for nonrecurring expenditures of public schools, and seven and one-half percent to a Disparity Education Fund for certain counties and cities with a composite of less than .3200 	<ul style="list-style-type: none"> - Revenue allocation to city or county that has adopted a local ordinance after passage of the referendum - Disparity Fund distribution based on ADM weighted by CI 	“Non recurring expenditures,” including but not limited to public school construction, additions infrastructure, site acquisition, renovations and technology; public school expenditures related to modernizing classroom equipment, school safety equipment and school safety renovations; and debt service payments on debt issued for such nonrecurring expenditures of public schools	Revenue allocation to county or city that has adopted a local ordinance after passage of the referendum, for transportation purposes	N/A
SB692 (AS PASSED BY SENATE (3/9), SAME AS SB170 CONF. REPORT) Communicated to House 3/9) No action taken by House (3/9)	Regional Referendum for Transportation and Education; NOVA localities and Winchester (NEW) - ½ cent for education and ½ cent for transportation	<ul style="list-style-type: none"> - State-imposed Nov. 2002 referendum - One ballot question for both education and transportation - No Sunset - No sales tax on food - Effective July 2003 - Repeals local income tax for NOVA - Maintenance of effort on local contribution to Metrorail - Shall not be used to calculate or reduce federal, state or local education or transportation funds available to localities 	<u>NOVA and Winchester:</u> <ul style="list-style-type: none"> - Point of sale to individual localities for education, reduces State portion of State basic aid by twenty percent. <u>“Disparity Localities”</u> <ul style="list-style-type: none"> - Total amount of reduction in State basic aid from NOVA localities distributed to “disparity” localities with Composite Index (CI) equal to or less than .3400, distributed on ADM adjusted by CI - Requires local match based on CI 	<u>NOVA and Winchester:</u> <ul style="list-style-type: none"> - Solely for public education, including but not limited to, operating expenses and capital projects <u>“Disparity Localities”</u> <ul style="list-style-type: none"> - Educational purposes, not to reduce expenditures below 2002-04 SOQ expenditure data, no per pupil greater than 2002-04 data required 	<ul style="list-style-type: none"> - \$2.435 billion in Bonds to be issued by the Northern Virginia Transportation Authority. - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses 	YES

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
SB 668 (AS PASSED) Williams Finance Rep Fin w/Sub 10-5-1 (2/12) Passed Senate 25-15 (2/15) Rep from HFin w/Sub 15-7 (2/25) Rep from HApp w/Sub 20-5 (2/26) Comm Sub Rejected by House 31-68 (2/27) Passed House 56-42 (2/27) Signed by House Speaker (2/28) Signed by Senate President (3/3)	Regional Referendum; HR localities listed; Transportation only - 1 cent for transportation	- Nov. 2002 referendum - Effective July 2003 - No sunset - No sales tax on food	N/A	N/A	Revenues to HR PDC, bonds specified for 6 designated projects of \$5.99 billion	Yes

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
HB 1296 (AS PASSED BY SENATE) Rollison Finance Rep Fin w/Sub 15-7 (2/9) Rep Approp w/Sub 23-2 (2/11) Passed House w/Amd 52-47 (2/12) Rep SFin w/Sub 11-3 (2/26) Passed Sen w/Sub 31-8 (2/27) Conf Comm Appointed (2/27) (Stolle, Norment, Colgan, Rollison, Devolites, Councill) (see below)	Statewide Referendum - ½ cent State sales tax statewide for education ----- Regional Referendum; NoVa localities listed; Transportation only - ½ cent sales tax for NOVa transportation	- Nov. 2002 referendum - Two separate questions - Effective July 2003 - “No Supplant” clause for federal, State or local revenues - No tax on food - Repeals local income tax legislation if transportation referendum passes. - No Sunset - Maintenance of effort on local contribution to metrorail.	Based on 1/3 point of sale, 1/3 school age population, and 1/3 AMD by CI ----- N/A	Same as existing education 1% (capital, operating and debt service) ----- N/A	- \$2.460 billion in Bonds to be issued by the Northern Virginia Transportation Authority. - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses	Yes
HB 1296 (CONFERENCE REPORT) Conf Comm Appointed (2/27) (Stolle, Norment, Colgan, Rollison, Devolites, Councill) Conf. Rep. Rejected by Senate 12-27 (3/5)	Regional Referendum; NoVa localities listed; Transportation only - ½ cent sales tax for NOVa transportation	- Nov. 2002 referendum - Effective July 2003 - “No Supplant” clause for federal, State or local revenues - No tax on food - Repeals local income tax legislation if transportation referendum passes. - No Sunset - Maintenance of effort on local contribution to metrorail.			- \$2.435 billion in Bonds to be issued by the Northern Virginia Transportation Authority. - Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses	

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
HB17 Hull Finance Incorp into HB1170 (2/6)	No Referendum - ½ cent local sales tax available for education	Tax can be imposed by local governing body	Based on point of sale	Capital; debt service for last ten years	N/A	N/A
HB451 Dillard Finance Cont to 2003	Local Referendum - ½ cent local option sales tax available statewide for education	Local referendum called by governing body or petition by 10% of the voters	Based on point of sale	Capital and technology infrastructure projects; debt service for last ten years	N/A	N/A
HB656 Dillard Finance Ref to Approp. (1/21) Reref to Fin. (2/4) Tabled in Fin (2/9)	Regional Referendum; NoVa localities listed; One question - ½ cent sales tax for education and/or transportation (10 years) - ½ cent sales tax for transportation (35 years) ----- Local Referendum - ½ cent local option sales tax available Statewide for education	- Nov. 2002 referendum (2012) (10 year sunset) - Effective April 2003 - Transportation (2037); Nov. 2002 referendum - “No Supplant” clause - No tax on food - Local Referendum called by gov. body or petition by 10% of the voters	Based on point of sale ----- Based on point of sale	Construction and technology infrastructure projects; debt service for last ten years ----- Construction and technology infrastructure projects; debt service for last ten years	Revenues to NoVa Trans. Authority; bonds specified for designated projects [\$2.38 billion (BANs)] ----- N/A	Yes ----- N/A
	Regional Referendum; NoVa localities listed; One question - ½ cent sales tax for education and/or transportation (10 years) - ½ cent sales tax for transportation (35 years)	- Nov. 2002 referendum (2012) (10 year sunset) - No tax on food - “No Supplant” clause	Based on point of sale	Construction and technology infrastructure projects; debt service for last ten years	Revenues to NoVa Trans. Authority; bonds specified for designated projects [\$2.38 billion (BANs)]	Yes
HB1019 Scott Finance Ref to Approp (1/21) Reref to Fin (2/4) Cont to 2003	No referendum - Increases State sales tax statewide by 1 cent	- Revenues from ½ cent for education - Revenues from ½ cent returned to localities based on point of sale	Based on school age population	Same as existing education 1% (Capital, operating and debt service)	N/A	N/A

Comparison of Sales and Use Tax Revenue Proposals (March 10, 2002)

Bill #, Patron, Committee and Status	Revenue Proposal	Notes	EDUCATION		TRANSPORTATION	
			Revenue Allocation	Eligible Uses	Revenue Allocation	Projects Identified
HB1163 Hull Finance Ref to Approp (1/21) Reref to Fin (2/4) Incorp into HB 1296 (2/9)	Regional Referendum; NoVa localities listed; One question - ½ cent sales tax education (10 years) ----- - ½ cent sales tax transportation (35 years)	- Nov. 2002 Referendum - Effective Jan. 2003 - “No Supplant” clause - No tax on food	Based on point of sale ----- N/A	Construction and technology Infrastructure projects; debt service for last ten years	N/A ----- Revenues to NoVa Trans. Authority; bonds specified for designated projects [\$2.38 billion (BANs)]	N/A ----- Yes
HB1170 Dillard Education Ref. to Approp (1/21) Rep Fin w/Sub (2/9) Ref To Approp (2/9) PBI 15-10 (2/11)	Statewide Referendum - Increases State sales tax statewide by ½ cent for education	- Nov. 2002 Referendum - No tax on food - does not affect basic aid	Based on school age population with 50% hold harmless	- Capital and technology infrastructure	N/A	N/A
SB40 Potts Local Govt. Passed Senate Rep from HFin (2/11) Reref to HApprop Failed to Rep from HApprop 12-13 (2/26)	City of Winchester Charter Change - 1 cent sales tax for education - Adoption by ordinance	N/A	Based on point of sale	Capital and operating	N/A	N/A
HB 1295 & SB667 Rollison/ Williams H Finance Tabled in HFin (2/9) S Finance Left in SFin (2/13)	Regional Referendum; NoVa and Hampton Roads (separately decided referendum); Transportation only - 1 cent sales tax for transportation (40 years for NoVa, no sunset for HR) - Additional tolls by referendum for HR	- Nov. 2002 referendum for Northern Virginia - Effective July 2003 - “No Supplant” clause - No tax on food - Repeals local income tax legislation	N/A	N/A	- Revenues not needed for debt services could be used by the Northern Virginia Transportation Authority for transit operational costs, speeding up bond projects, and other related uses NOVA - \$2.225 billion in additional NVTD bonds issued by CTB HR - \$5.49 billion in CTB bonds.	Yes

STATE BUDGET

General Fund Impact -- Schools and County

The 2002 General Assembly had to deal with probably one of the most complicated and difficult State budgets in recent memory. Downward adjustments were made initially in the budget introduced by Governor Gilmore and then again by the House and Senate to the current FY 2002 in **HB/SB29**. Additional significant cuts were then made to the biennium budget in **HB/SB30** for 2002-04. Despite attempts to make across-the-board cuts and to eliminate certain programs, structural problems still remain in the State's budget. Due to the size of the shortfall, the General Assembly resorted to a number of revenue enhancements, cash-flow accelerations, adjustments to the State retirement system, and non-general fund transfers. Additionally, several State fees were increased to generate additional revenue in the budget.

Overall, State budget actions taken this Session will have long-term repercussions for local governments, especially in those State-local shared service responsibilities that are already underfunded. A substantial financial burden has been shifted to localities, and this will be particularly acute for Fairfax County, due to an almost-five point increase in the composite index, which is used to distribute almost all State funding for education. That change alone is responsible for about a \$26 million decrease in education funding to Fairfax County Public Schools (FCPS) in FY 2003; further, because of how the composite index and State basic aid work, that money was essentially shifted to other school divisions as increased basic aid, which lessened the overall impact of other education cuts to those 100 or so other jurisdictions.

The education cut to Fairfax County was quite significant (**see chart on page 13**). For example, Chapter 1073 for the 2000-02 biennium anticipated \$345 million in State education funding to FCPS for FY 2002; however, based on **HB/SB29** this Session, the FY 2002 total was reduced to \$329.8 million. FY 2003 was then further reduced to \$308.2 million. These State reductions occurred despite an increase of about 4,800 students in FY 2002 and about 3,000 new students in FY 2003.

These education funding reductions have occurred at a time just after the Joint Legislative Audit and Review Commission (JLARC) documented that the current Standards of Quality (SOQ) are not fully funded by the State. While this General Assembly made an effort to begin to address several of JLARC's recommendations regarding locally generated revenues and paying for school administrators, the funding was obtained by eliminating a number of discretionary programs. Whether this was a positive action for local school divisions remains to be seen, as the effect varies throughout the Commonwealth.

The direct cuts to the County side of the ledger are also substantial and represent a significant, far-reaching shift in State/local funding at a time when most local governments (including Fairfax County) believe there is a structural imbalance between State/local responsibilities and funding. The State cuts to the County (**see chart on page 12**) impact law enforcement (HB 599 police and sheriff's funding), Compensation Board, social services, mental health, libraries, juvenile justice, and other programs that serve especially vulnerable people. Some areas of the budget were more heavily impacted, for example, juvenile justice services. The services jeopardized in this area are those utilized by Juvenile and Domestic Relations Courts to provide treatment services to youth as an alternative to juvenile detention.

On a positive note, the General Assembly restored funding to certain key programs, such as the Comprehensive Services Act (CSA); no changes were made in the local match requirement. Additionally, the final budget actually raised the Medicaid reimbursement rates for case management services for mental health and mental retardation consumers. Unfortunately, this gain was offset by the lack of new Medicaid waivers to provide community-based services for the increasing number of eligible persons with mental retardation who must continue to be wait-listed, despite the emergency nature of their problems. Other positive items include the full restoration of Healthy Families funding for the well-respected child abuse prevention program, and additional budget increases to actively recruit and enroll eligible children in FAMIS, the children's health insurance program.

One particular budget item that will require serious local government consideration after the Session is a new unfunded State mandate requiring localities to administer a 'Personal Use' vehicle certification process for car tax relief eligibility. As currently written, the new requirement would virtually eliminate the benefits of the file-by-exception process used by Fairfax County and other large localities; the cost of establishing and administering the new program for the County is roughly estimated at \$600,000. Further, non-receipt of current year certifications will trigger refunds to the State of prior year reimbursements, and the County will be required to rebill citizens for the full amount, until such time as a 'Personal Use' vehicle certificate is obtained by the County. **The resulting fluctuation of car tax revenue to the County could be significant, starting predominantly in FY 2004.** Citizens' confusion over the "rebilling" requirement is also expected to create customer service complaints. The new mandate goes into effect January 1, 2003, subject to a task force review and administrative regulations from the Department of Taxation. The task force review is to be completed by September, 2002.

Transportation Impact (see chart on pages 14-15)

To help address the State budget shortfall, Governor Gilmore had proposed transferring more than \$652 million (\$317 million in FY 2003 and \$335.6 million in FY 2004 from sales tax revenues) from the Transportation Trust Fund (TTF) to the State's General Fund (GF) and replacing it with General Obligation bonds. Gilmore's budget also moved all the GF dollars previously dedicated to transportation, as called for in the Virginia Transportation Act of 2000 (VTA), back into the overall GF. Governor Warner's amendment also diverted sales tax revenues in FY 2003 but restored it for FY 2004; Warner did not change the removal of GF from transportation.

The final budget conferees replaced the \$317 million in FY 2003 with additional debt in the form of Federal Revenue Anticipation Notes (FRANs); the proceeds may be spent on projects in the primary, secondary, and urban systems, as well as projects in the 2003 Virginia Transportation Development Plan (VTDP--formerly the six-year plan), the VTA, and the transit vehicle and equipment program. The FRANs replace GF support of more than \$15.7 million to the same transit program; the FRAN debt is supported with General Funds. As expected, the conferees in the final budget did not propose raiding the TTF in FY 2004 (\$335.6 million); the conferees also restored \$106.5 million of GF dollars in FY 2004.

Although the final budget replaced the \$317 million loss in the TTF for FY 2003 and allows FRANs to be used for projects in the VTDP, there will be a reduction in the State transportation program due to less-than-anticipated revenues, a reduction of the federal allocation, and interest payment on FRANs. Although the impact to Fairfax County will not be known until VDOT releases its update of the VTDP (expected in April), the outlook is not positive.

Fairfax County Government
State Funding Adjustments Based on Final 2002 General Assembly Actions
March 18, 2002

Items	FY 2002	FY 2003
HB 599 - Law Enforcement Funding - Based on revised revenue projections.	(\$2.3)	(\$1.2)
Salary Increases for Constitutional Officers - Provides no funding in FY 2003. For FY 2004, establishes a compensation reserve for State and State-supported local employees.		\$0.0
Across the Board State Agency Reductions - Represents confirmed reductions only: FY 02, Health (\$0.2), CSB (\$0.4); FY 03/04, DFS (\$0.1), Health (\$0.2)	(\$0.6)	(\$1.3)
ABC Tax Redistribution - Approved cut contained in Governor Gilmore's introduced budget.		(\$1.1)
Compensation Board - Dept. of Tax Administration, Commonwealth Attorney and Circuit Court - 7% cut. Sheriff - 5% cut.		(\$0.9)
Aid to Local Libraries - Introduced budget cut was 25%, General Assembly approved an 8% reduction.		(\$0.1)
 Juvenile Detention - Va. Juvenile Community Crime Control Act (VJCCCA) formula - Reduces funding by 51% and requires the Dept. of Juvenile Justice to develop a plan to convert the program into a competitive grant program in FY 2004.		(\$1.4)
Comprehensive Services Act - No Reduction, no change in local funding formula.		\$0.0
Car Tax Relief - Requires certificate from owner that car is for personal use; creates a PPTRA compliance task force to address the tax relief eligibility issue.		(\$0.6)
Total Known County Government Adjustments	(\$2.9)	(\$6.6)
Other Items		
Regional Competitiveness Act - Reduces statewide funding by \$18 million and adds \$4 million for workforce projects to be distributed to Regional Partnerships based on limited criteria.		
Department of Corrections - Directs development of a closure plan for certain facilities, including the Fairfax Correctional Field Unit.		
Involuntarily Separated State Employees - GA did not include language requiring localities to hire laid off State employees (where partially funded by State).		
Center for Innovative Technology (CIT) - Directs the Secretary of Technology to assess the value of the CIT land and property and to determine if CIT can carry out its programs in another Northern Virginia location.		

Fairfax County Public Schools
State Funding Adjustments Based on Final 2002 General Assembly Actions
March 18, 2002

Items	FY 2002	FY 2003
Composite Index (C.I.) - Change from .7171 To .7518 (amount redistributed to other school divisions).		(\$26.0)
Lottery - Eliminate Lottery Hold Harmless provision.		(\$7.7)
Retiree Health Insurance Credit - Funds teacher retiree health insurance credit through the C.I. (prior years State paid 100% of costs).		(\$5.5)
School Construction Grant - Reduces school construction grant program (prior year was \$2.0 m).		(\$1.0)
Other Accounts - Eliminates most Incentive aid accounts and reduces funding to several categorical accounts.		(\$5.0)
Salary Supplement - Eliminates Salary Supplement for both years.		(\$1.9)
Inflation / Benefit Rates - Adjusts SOQ Inflation Rates downward; Adjusts VRS Employer Rates.		(\$2.6)
JLARC Tier One - Ends practice of deducting a State share of locally generated revenues and begin paying a State share of school administrators dropped from the SOQ funding formula in FY1993.		\$1.8
SOQ Accounts - Net increase for updating SOQ accounts, Membership and Sales Tax projections.	\$0.8	\$1.9
VRS / State Group Life Insurance - Unknown effects of changes to employer rates for Virginia Retirement System and the Group Life premium holiday in FY 2003 and FY 2004.	<u>\$4.6</u>	<u>TBD</u>
Total Known Adjustments	\$5.4	(\$46.0)

State Budget - Transportation
Joint Conference Report, Gilmore's Introduced Budget, Warner's Amendments, House and senate Amendments -- 2002 Virginia General Assembly
March 11, 2002
(\$ in millions)

	FY 2002						FY 2003						FY 2004					
	Gilmore	Warner	House	Senate	Conf.	Impact	Gilmore	Warner	House	Senate	Conf.	Impact	Gilmore	Warner	House	Senate	Conf.	Impact
<i>Transportation</i>																		
Sales Tax dedicated to the Transportation Trust Fund - diverted to the General Fund				(\$19.4)			(\$317.0)	(\$317.0)		(\$317.0)	(\$317.0)	Estimated (\$30 - if no FRANs)	(\$335.6)					Estimated (\$30)
General Fund to Transportation moved back to General Fund	(\$ 73.6) + (\$70 FY01)	(\$ 73.6) + (\$70 FY01)	(\$ 73.6) + (\$70 FY01)	(\$ 73.6) + (\$70 FY01)	(\$ 73.6) + (\$70 FY01)								(\$20.5)	(\$20.5)	(\$20.5)	(\$20.5)	(\$20.5)	
Insurance Premiums to Transportation diverted to General Fund							(\$96.0)	(\$96.0)	(\$96.0)	(\$96.0)	(\$96.0)		(\$99.7)	(\$99.7)	(\$99.7)	(\$99.7)	\$106.5	
FRANs to replace Sales Tax								Yes			Yes							
State G.O. Bonds to replace Sales Tax							Yes						Yes					
General Fund to Transportation for debt service payments											\$7.1		\$26.9				\$32.9	
Budget reduction 3,7,8%										(\$10.8)	(\$10.8)					(\$12.5)	(\$12.5)	
Removes General Fund from mass transit and ports (* FRAN eligible)				(\$15.7)	(15.7) *							(Est.\$10 NoVa - if no FRANs)						

State Budget - Transportation
Joint Conference Report, Gilmore's Introduced Budget, Warner's Amendments, House and senate Amendments -- 2002 Virginia General Assembly
March 11, 2002
(\$ in millions)

	Conference Report	Gilmore	Warner	House	Senate
Mass Transit	10% Federal Guarantee and 6% STP for Mass Transit	10% Federal Guarantee and 6% STP for Mass Transit	10% Federal Guarantee and 6% STP for Mass Transit	10% Federal Guarantee and 6% STP for Mass Transit	10% Federal Guarantee and 6% STP for Mass Transit
FRAN Cap/FRAN Outstanding at one time	\$1.2B/ \$1.2B	\$1.2 B/ \$1.0B	\$1.2 B/ \$1.0B	\$1.2B/\$1.1B	No Change (\$1.2B/\$800m)
FRAN Flexibility	Any projects in the VTA (as before). \$317 million in FRANS to replace TTF sales tax - may be used for 2003 VTDP projects including Primary, Secondary and Urban.	Any project in the VTDP (incl. Sec. Roads and Maint.)	Any project in the VTDP (incl. Sec. Roads and Maint.)	Any project in the VTDP (incl. Sec. Roads). Bonds sold after 1/1/02 allocated by district proportionate to allocation in VTA	Designated for Sec. and Urban. Allowed for Primary, Secondary and Urban. Rte 288
VRE Track Lease Payment	DRPT portion of Minimum Guarantee Fund	DRPT portion of Minimum Guarantee Fund (\$4.0)	DRPT portion of Minimum Guarantee Fund (\$5.9)	DRPT portion of Minimum Guarantee Fund	STP "Off the top"
Rte 28 PPTA Language to allow a third party to receive tax dist revenues to secure and pay for debt service	Yes			Yes	Yes
PTF funds for any project in the VTDP		Yes (incl. Maint.)		Yes	
CMAQ fund for PE for a third HOV lane on I95/395				Yes	
DRPT - Elimination of budget for NoVa Office and at-will Deputy position					Yes

Section II

LEGISLATION WITH BOARD POSITIONS

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COUNTY LEGISLATIVE INITIATIVES

Passed

HB1023 (Scott) Authorizes local housing authorities to refinance loans made by others if the housing authority could have made the loan initially.

HB1027 (Moran) Allows Fairfax County the same ability as Arlington and Alexandria to provide for enhanced penalties for motorists who fail to yield the right-of-way to pedestrians in specially marked crosswalks. Fairfax City and Loudoun County were also added to the bill.

SB510 (Saslaw) Increases from five to seven the number of members on the policemen's pension and retirement board for Fairfax County and modifies the required make-up of such board; the bill also contains several technical amendments.

Carried Over

SB484 (Howell) Would allow localities that have adopted a tree conservation and replacement ordinance to increase tree canopy requirements for certain zoning districts. Also would allow those localities to include tree preservation in their ordinance. Localities could restricted certain types of trees from being planted to meet minimum tree canopy requirements.

Dead

HB750 (Plum) Would have added "sexual orientation" as prohibited discrimination with regard to actions and investigations by the Fairfax County Human Rights Commission.

SB424 (Byrne) Would have allowed Fairfax County, by ordinance, to make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds, of any county-owned or county-operated facility. Violation of the ordinance would have been punishable as a Class 1 misdemeanor.

CONSTITUTIONAL AMENDMENTS

Carried Over

HJR146 (Almand) and **SJR92** (Whipple) Would provide that any law proposing to reimburse or otherwise substitute State funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

DANGEROUS WEAPONS

Passed

SB593 (Hanger) Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, or motion, nor take any administrative action governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. The bill stipulates that a locality is not prohibited from adopting rules governing its own workforce.

* * * * *

Carried Over

HB1017 (Scott) Would provide that Fairfax County may, by ordinance, make it unlawful for any person to possess a handgun in any county-owned building. Violation of the ordinance would be punished as a Class 1 misdemeanor.

* * * * *

Dead

HB1355 (Hull) Would have allowed Fairfax County to adopt an ordinance making the possession of a dangerous weapon in a publicly owned recreation or community center a Class 1 (or less) misdemeanor. Exceptions were included for law enforcement personnel and court personnel.

EDUCATION

Passed

SB276 (Stosch) Makes a local governing body an automatic equal owner, or tenant in common, with the local school board of real property titled in the name of the school board where the local government is paying debt service on bonds that it has sold to acquire, build, or improve school property. This co-ownership automatically terminates once the debt is paid in full.

This legislation also requires no deed transfers to be recorded and confers no additional powers on a local governing body over school board decisions regarding school property. The bill was introduced to address concerns expressed by certain localities about recent changes in government accounting standards that require a local government to carry debt obligations for school facilities as liabilities on its ledger but that allow the value of school facilities to be listed as assets on the school board's ledger. In certain smaller localities, such reporting standards could create a distorted impression that the local government may be carrying too much debt in comparison to its assets. The bill allows local governments with assets far in excess of liabilities, such as Fairfax County, to opt out of the statutory tenancy in common upon the adoption of a resolution.

EMINENT DOMAIN

Passed

HB918 (Griffith) Adds the definition of "owner" to several Code sections that deal with eminent domain.

Carried Over

HB291 (McDonnell) Would entitle the owner of business property that is taken by eminent domain to be compensated for goodwill and for lost profits.

ENVIRONMENT

Passed

SB554 (Norment) Authorizes the Department of Environmental Quality (DEQ) and the State Air Pollution Control Board to consider cumulative impacts of new and proposed electrical generating facilities on attainment of national ambient air quality standards. Requires DEQ to enter into a memorandum of agreement with the State Corporation Commission regarding coordination of reviews of environmental impacts of such facilities that must also obtain certificates from the Commission. In its consideration of applications for electrical generating facilities, the Commission may not impose additional conditions on permits or approvals that have been granted by a federal, state or local governmental entity.

Dead

HB1220 (Albo) and **SB563** (Bolling) Would have authorized the issuance of Commonwealth of Virginia Environmental Stewardship Bonds pursuant to Article X, Section 9(b) of the Constitution of Virginia to fund various capital projects and land acquisition for parks and conservation in an amount not exceeding \$488,495,075, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election.

FINANCE/TAXATION

Passed

HB316 (Howell) Provides that no person other than the taxpayer be convicted for refusing to furnish certain information requested by the Commissioner of the Revenue unless such person willfully fails to comply with a properly issued summons.

HB317 (Howell) Allows a person assessed with BPOL tax to apply within one year (currently 90 days) from the last day of the tax year for which the assessment is made or within one year from the date of the appealable event, whichever is later, to the assessor for a correction. An "appealable event" has been enlarged to mean an increase in the local license tax assessment payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none was previously assessed.

HB318 (Howell) Extends the time for taxpayers seeking initial review of the assessment of business personal property taxes (including computers and machinery and tools) by the local assessing officer from 90 days to one year from the last day of the tax year for which such assessment is made.

HB503 (Drake) Allows real estate brokers to exclude "desk fees and other overhead costs" paid to them by real estate agents, provided the broker paid the BPOL tax attributable to the agent's percentage of the commission.

HB825 (Nixon) Authorizes all public bodies to accept payments, except those assessed under § 19.2-353.3, by any commercially acceptable means and to levy a service charge if it incurs a charge for accepting that method of payment. If a check or other method of payment is returned for insufficient funds, the bill authorizes public bodies to assess a service charge.

SB174 (Stosch) Provides a deduction for goodwill created in connection with the acquisition or merger of a bank for purposes of determining a bank's capital subject to bank franchise taxes; applies to bank franchise taxes payable to Virginia or localities beginning January 1, 2002.

Carried Over

HB575 (May) Would establish a fund into which two percent of State individual income tax revenues would be deposited in 2003 for distribution to localities; this percentage would increase two percent each year until reaching a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total State income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. This bill (carried over by House Appropriations) and **SB380** (Whipple), which was left in Senate Finance, are VACO/VML initiatives which were also introduced in the 2001 General Assembly

HB1018 (Scott) Would make several modifications to the current local income tax law pertaining to Northern Virginia. The changes include: 1) one quarter percent increments up to one percent as provided on the referendum ballot; 2) use of the tax for school construction purposes; 3) at least fifty-five percent to be used for transportation projects in the regional 2020 plan; 4) repeal of the sunset clause; and 5) a 2004 expiration "use it or lose it" clause.

SB253 (Miller, K.G.) Would provide that assessments of personal residences shall not increase if the residence is used exclusively and continuously as the primary personal residence of the owner or the owner's spouse, provided that the assessed value of the real estate shall be increased by the fair market value of any improvement, renovation, or reconstruction made by the owner or the owner's spouse. The bill's provisions would require a constitutional amendment.

GENERAL GOVERNMENT

Passed

[HB1151](#) (Marshall) Exempts from the licensure or certification requirement of the Board for Contractors any person licensed as a private security services business by the Department of Criminal Justice Services.

* * * * *

Carried Over

[HB1042](#) (Scott) Would require any State department, agency or institution responsible for the construction, maintenance or operation of public roads, streets or highways to maintain current and accurate maps or plats depicting the location of the right-of-way easement and of any buried wires, pipes, conduits, and similar facilities. Copies of the maps or plats shall be given to Underground Utility Damage Prevention Act notification centers. The notification centers would be required to provide maps or plats to persons intending any excavation or demolition, and to all operators whose underground lines are located in the relevant area.

[HB1129](#) (Bryant) Would provide for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines "land surveyor photogrammetrists" and sets the criteria for licensure.

* * * * *

Dead

[HB483](#) (Suit) Would have required governing bodies and school boards to provide a reasonable opportunity for members of the public to comment on matters of concern prior to taking official action.

[HB537](#) (Devolites) Would have required that in order for a legal notice published in a newspaper to meet the statutory standard, it must be published in the Commonwealth of Virginia. A newspaper would have been deemed published in the Commonwealth if it maintained its principal office in the Commonwealth for the purposes of gathering news, soliciting advertisements and determining the newspaper's form and content, and if it was printed in the Commonwealth.

[HB693](#) (Tata) Would have provided that fines imposed for violations of local ordinances incorporating provisions of the Code of Virginia relating to operation of motor vehicles must be deposited into the Literary Fund (and not into the treasury of the county, city, or town) when the violations are committed on interstate highways.

HEALTH AND HUMAN SERVICES

Passed

Child Day Care

HB513 (Marrs) Provides that licenses for child day centers shall have a duration of two years from date of issuance. Currently, the Department of Social Services issues licenses for periods of one, two or three years for child day centers based on compliance with standards and regulations.

SB595 (Hanger) Adds additional members to the Child Day-Care Council. The bill limits reimbursement for travel expenses of members to in-state travel.

SB596 (Hanger) Provides that the individuals directly supervising children in licensed child day centers may possess an "approved credential" awarded by an accrediting authority. The bill lists the accrediting authorities issuing such approved credentials.

Comprehensive Services Act

HB621 (Morgan) Requires the State Executive Council (SEC) to provide for public participation and comment in developing a dispute resolution procedure and to consult with local governments about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund. The bill also requires the director of the Office of Comprehensive Services for At-Risk Youth and Families to implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the SEC and to consult regularly with local government representatives about implementation and operation of the Comprehensive Services Act.

SJR52 (Miller, Y.B.) Requests the SEC to improve and revise the system through which provider information is placed in the CSA Fee Directory, including the procedures by which information is updated and verified; and provide the public with this information by July 1, 2002.

Health

HB531 (Devolites) Requires the Board of Barbers and Cosmetologists to adopt regulations establishing the requirements for licensure of any tattoo parlor, body-piercing salon and those individuals who practice tattooing or body piercing. Currently, these establishments are regulated at the local level. The bill provides the authority for localities to inspect tattoo parlors and body-piercing salons.

Carried Over

Aging

HB42 (Hamilton) Would make the auxiliary grants program completely state-funded by eliminating the local share of the program.

Child Day Care

SB129 (Ticer) Would provide for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

Health

HB180 (Bryant) Would require the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume the full costs of such services and operations of the various local health departments as are required by state law. The requirement would be phased in over a period beginning on July 1, 2003, and ending on June 30, 2007.

SB428 (Ticer) Would require the Department of Medical Assistance Services (DMAS) to incorporate into the FAMIS Plan certain mental health and mental retardation services covered by Medicaid, in the same manner and with the same coverage and limitations, provided to covered persons under the State Plan for Medical Assistance Services.

HEALTH AND HUMAN SERVICES (Cont.)

Carried Over

Miscellaneous

SB98 (Howell) Would further the "full faith and credit" provision of the Federal Violence Against Women Act of 1994 regarding protection orders issued by states. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in August 2000. The act establishes a uniform system for the enforcement of domestic violence protection orders across state lines.

Dead

Aging

SB268 (Lambert) Would have made the auxiliary grants program completely state-funded by eliminating the local share of the program.

Health

HB332 (Darner) Would have required DMAS to incorporate into the FAMIS Plan certain mental health and mental retardation services covered by Medicaid, in the same manner and with the same coverage and limitations provided to covered persons under the state plan for Medical Assistance Services.

Miscellaneous

HB306 (Petersen) Would have extended the effective date of the Acts of Assembly that provide for the civil commitment of sexually violent predators from January 1, 2003 to January 1, 2004.

HJR120 (Tata) Would have requested the Department of Juvenile Justice, the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Department of Criminal Justice Services to examine opportunities to leverage non-general fund sources to meet the need for mental health and substance abuse assessment and treatment services accessible to juveniles, including those in local detention homes.

LAND USE

Passed

[HB346](#) (Albo) Provides that as of July 1, 2004, localities will no longer be able to require special exception or special use permit approval for residential cluster development on parcels greater than two acres where the developer does not seek an increase in the allowable density. A locality may choose to have cluster or not. If cluster is to be permitted, it must be by right and all aspects of the review and approval of the plats are limited to administrative action by staff. A locality may designate certain areas where cluster will be permitted and may establish, by ordinance, standards, conditions, and criteria that cluster developments must satisfy. Localities that currently provide for clustering of single-family dwellings upon approval of a special exception shall have until July 1, 2004, to comply with the provisions of this bill.

[HB477](#) (Suit) Amends the existing advertisement requirements for zoning ordinance amendments by requiring that a first class letter be mailed to the owner of each parcel of land affected by a text amendment that would decrease allowed dwelling unit density.

[HB495](#) (Orrock) Provides that once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided a final subdivision plat for all or a portion of the property is submitted within one year of such approval and provided the subdivider diligently pursues approval of the final plat. If there is no diligence, preliminary subdivision plat approval may be revoked after three years.

[HB993](#) (Council) Clarifies that a board of zoning appeals may only revoke a special exception that has been granted by the board of zoning appeals, and that a governing body that issues special exceptions may revoke such special exceptions in the same manner as the board of zoning appeals.

[HB1178](#) (Hull) Provides that if the provisions of a recorded plat or final site plan, which was specifically determined by the governing body, and not its designee, to be in accordance with the zoning proffers previously approved, conflict with any underlying proffered conditions of such rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of § 15.2-2204 shall be deemed to have been satisfied.

[HB1190](#) (Hull) Requires that should a governing body, an administrative agency, VDOT, or other political subdivision choose to inspect any proposed public facility constructed by a subdivider or developer that is the subject of any performance guarantee required by the governing body or VDOT, the inspection shall be based solely upon conformance with the terms and conditions of the performance agreement, the approved design plan and specifications for the public facilities, and shall not be contingent on the approval of a private party who is not under contract with a political subdivision or VDOT.

Carried Over

[HB105](#) (Marshall) Would add to current law provisions for the conservation and preservation of existing trees during the development process in localities with a population density of at least 75 persons per square mile. This bill was carried over and referred to the Commission on Growth and Economic Development. It is similar, but not identical, to [SB484](#) (Howell), which was also carried over.

[HB996](#) (McDonnell) Would reduce from sixty days to forty-five days the time within which the planning commission or other agent would have to review subdivision plats and site plans. If disapproved, all deficiencies would have to be specifically identified along with all modifications or corrections that would permit approval. The failure to act within forty-five days or to state the reasons for disapproval shall cause the plat to be deemed approved.

[SB566](#) (Byrne) Would prohibit localities from establishing dog recreation facilities within 1,500 feet of public elementary schools.

LAND USE (Cont.)

Dead

HB121 (Hull) Would have eliminated localities' authority to require special exception or special permit approval for residential cluster development and would have mandated that localities include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings as a matter of right. Incorporated into **HB346**.

HB166 (Petersen) As amended by the House of Delegates, would have raised the civil penalty for subsequent zoning violations from \$150 to \$250. Also, specified violations arising from the same operative set of facts could have been charged once every five days rather than 10 days, with the maximum civil penalty not to exceed \$5,000.

HB481 (Suit) Would have reduced from two years to six months the period of time that the use of a nonconforming sign may be discontinued before losing its valid nonconforming use status.

HB603 (Black) Would have required all rezoning notices to be sent by registered or certified mail at least 21 days, rather than five days, prior to the public hearing. Currently, if a proposed zoning amendment involves more than 25 parcels of land, the notice may be sent by first-class mail.

HB1130 (Bryant) As amended, would have allowed the owner of undeveloped land in a locality without a water authority to develop with a private well approved by the State Health Department, even if the locality requires mandatory connection to the public water supply.

SB443 (Williams) Would have required localities adopting and enforcing zoning ordinances to provide that prior to approval of construction or expansion of any commercial kennel, a majority of property owners residing within a 1,500-foot radius of the kennel would be required to approve of such use.

PHOTO RED LIGHT

Dead

SB41 (Marye) Would have added nine localities to the list of localities authorized to have "photo-red" traffic light signal enforcement programs and would have removed the July 1, 2005 sunset date.

HB423 (McQuigg) Would have allowed any county, city, or town to have a "photo-red" traffic light signal enforcement program. Would have required localities to consider factors such as accident rates and the number of red light violations at intersections where cameras are placed. Would have repealed the July 1, 2005, "sunset" on "photo-red" programs.

PROCUREMENT

Dead

HB628 (Black) Would have set out the criteria for the determination of a "responsible" bidder. This criterion was based on the federal acquisition regulations in 48 CFR §9.104-1.

PUBLIC SAFETY

Carried Over

HB1127 (Bryant-SFin) and **SB394** (Whipple-SFin) Would provide that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total General Fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium; any changes in anticipated total General Fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill would have no affect on the percentage change in HB 599 funding. **HB962** (Almand) was incorporated into **HB1127** before all were carried over in the Senate Finance Committee.

Dead

HB1014 (Scott) Would have authorized localities to adopt ordinances to prohibit parking of commercial vehicles where they block passing traffic or so restrict the view of oncoming and cross-traffic as to interfere with traffic safety.

HB1329 (Bolvin) Would have allowed governing bodies of Fairfax County and towns within it and Prince William County by ordinance to regulate or prohibit parking of trailers or semitrailers (regardless of whether they are attached to another vehicle) and vehicles primarily used for commercial purposes if they have a registered gross weight of 6,000 pounds or more.

TRANSPORTATION

Passed

HB426 (Black) Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding. Twenty million of the \$29 million will go toward projects in Fairfax County.

HB518 (Devolites) Designates the entire length of Hunter Mill Road in Fairfax County as a Virginia Byway.

HB1247 (Rust) Provides a definition of "asset management" applicable to Title 33.1 (Highways, Bridges, and Ferries) of the Code. Asset management is defined as a systematic process of operating the state system of highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes. The bill also includes target dates for the Commissioner to advise the CTB of performance targets and outcomes that will be met.

SB576 (Barry) Revises statutory provisions dealing with the Northern Virginia Transportation Authority by substituting provisions recommended by the Joint Subcommittee Studying Creation of a Northern Virginia Regional Transportation Authority (the "Barry Commission") pursuant to 2001 legislation that created the Authority.

SJR64 (Puller) Encourages the Department of Rail and Public Transportation to work towards the development of a U.S. Route 1 Corridor Transit Plan. Specifically, the Department is requested to work with VDOT, Fairfax County, Prince William County, the Washington Metropolitan Area Transit Authority, the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission, the Ft. Belvoir Army Base, and the Quantico Marine Corps Base, towards developing a plan for short- and long-term transit improvements in the Route 1 Corridor.

Carried Over

HB122 (Hull) Would create the Potomac Region Transportation Development Authority, representing Northern Virginia localities. The Authority would be empowered to issue bonds in order to finance transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 within one or more of the localities represented in the Authority.

HB772 (Watts) Would provide that 25 percent of primary system construction funds are to be apportioned among the nine construction districts on the basis of the ratio of vehicle-miles traveled on primary highways divided by the number of lane miles of primary highways in each construction district, with the remaining 75 percent distributed under the existing formula.

OTHER

Passed

[HB638](#) (O'Brien) and [SB162](#) (Byrne) Provide that, in applying for a driver's license, an immigration visa or a written statement shall not be acceptable as evidence of Virginia residency. The bill also directs the Commissioner of the Department of Motor Vehicles to prepare a report by December 1, 2002, regarding the need for further statutory change. This legislation is less onerous than some previous proposals in regard to the establishment of immigration status by non-citizens who reside in Virginia.

PENDING STUDIES

Passed

[SJR97](#) (Martin) Continues the study of the treatment options for offenders with mental illness and substance abuse disorders by the Joint Commission on Behavioral Health Care, in conjunction with the Virginia Commission on Youth, and authorizes continuation of the special study committee and establishment of an interagency work group to develop a screening-assessment-treatment model for offender groups with mental health needs.

[SJR102](#) (Houck) Requests the Secretary of Health and Human Resources to identify, no later than November 30, 2002, viable incentives to encourage localities to enhance or maintain levels of funding for children who are non-mandated under the CSA.

* * * * *

Dead

[HJR64](#) (Hamilton) Would have requested the Secretary of Health and Human Resources to convene a task force to develop a plan for persons with disabilities to implement the recommendations of the Olmstead decision.

[HJR119](#) (Tata) Would have directed the Virginia Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders.

PROPERTY TAX EXEMPTIONS

Passed

[HB727](#) (Howell) Grants a property tax exemption for real and personal property to the following Fairfax County organizations: Vienna Aquatic Club; Tysons-Briar, T/A Cardinal Hill Swim and Racquet Club; Hunter Mill Swim and Racquet Club; Cottontail Swim and Racquet Club; Lutheran Social Services of the National Capital Area; Friends of Crossroads; Marian Homes.

Section III

OTHER LEGISLATION OF COUNTY INTEREST

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CONSTITUTIONAL AMENDMENTS

Passed

[HB36](#) (Howell) and [HJR13](#) (Howell) Provide for a referendum at the November 5, 2002, election to approve or reject a constitutional amendment allowing local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance, subject to restrictions and conditions provided by general law. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

[SB131](#) (Stolle) and [SJR42](#) (Stolle) Provide for a referendum at the November 5, 2002, election to approve or reject an amendment to permit the Supreme Court to consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly.

Carried Over

[HJR131](#) (Stump) Would authorize the General Assembly, by general law or special act, to grant one or more elected school boards the power to impose real estate taxes and appropriate the funds derived from the taxes for the educational program of the district. The present Constitution in Article VII, Section 7, states that taxes are imposed by an ordinance or resolution adopted by the local governing body and has been construed to prevent the granting of taxing powers to local school boards. (First Resolution)

DANGEROUS WEAPONS

Carried Over

[HB958](#) (Almand) Would provide that any person who possesses in or transports into the State Capitol Building or the General Assembly Building any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon and (iii) any other dangerous weapon, is guilty of a Class 1 misdemeanor.

Dead

[HB132](#) (Darnier) and [SB622](#) (Byrne) Would have provided that any school division could establish a "gun-free school zone" encompassing the physical boundaries of the school property and areas under exclusive use by the school division, provided that the local governing body adopted an ordinance enabling the school division to establish such zones. The bill also would have classified the knowing possession of any firearm while within a gun-free school zone as a Class 4 misdemeanor.

[HB592](#) (Ware) Would have prohibited the carrier of a concealed handgun in a public place to consume alcohol or be under the influence of alcohol or illegal drugs, and eliminated the restriction on licensed, concealed handguns in restaurants that serve alcohol.

EDUCATION

Passed

HB755 (Amundson) Authorizes school boards to enter into agreements for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades K-3 on sites owned by a private business or industry and leased to the school board at no cost; procedures may be adopted for the enrollment of children of employees who reside outside the attendance zone for such classrooms. The measure allows the governing body, by ordinance, to provide a BPOL tax exemption for private businesses or industries entering into such agreements.

SB681 (Stosch) Authorizes private entities to acquire, design, construct, maintain or operate qualifying projects after obtaining approval of a public entity. A "qualifying project" is: (i) any facility that is operated as part of the public school system or as an institution of higher education; (ii) any building for principal use by any public entity; (iii) any equipment or improvements necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; or (v) a recreational facility. The public entity may approve such a facility if it determines that (i) there is a public need for the qualifying project; (ii) the estimated cost of the qualifying project is reasonable; (iii) the private entity's plans will result in the timely acquisition of the qualifying project; and (iv) a comprehensive agreement pursuant to this chapter is more advantageous than a contract pursuant to the Virginia Public Procurement Act. The provisions are similar to those in the Public-Private Transportation Act of 1995.

ELECTIONS

Passed

[HB101](#) (Callahan) Amends statutory language relating to conditional ballots and specifies that a conditional ballot will be counted only if the voter submitting it is a qualified voter of the precinct in which he submitted the conditional ballot.

[HB558](#) (Jones, S.C.) Requires that print, television, and radio advertisements supporting or opposing the nomination or election of clearly identified candidates contain specific information regarding the sponsor of the advertisement. This bill is patterned after the North Carolina "Stand By Your Ad Act."

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Carried Over

[HB459](#) (Griffith) Would provide that the county or city political party committees of the two major political parties, rather than the circuit court judges, will appoint the members of the local electoral board and fill vacancies on the board.

[HB1099](#) (Scott) Would prohibit election officials and persons present in the polling place to observe the ascertainment of the results from making any public announcement of precinct results in a Presidential election until the polls are closed in the 48 contiguous states and the District of Columbia.

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Dead

[HB125](#) (Hull) Would have added one hour to the time that the polls are open for voting by moving the closing time from 7:00 to 8:00 p.m.

[HB339](#) (Albo) Would have authorized the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a non-profit, non-partisan group within the 40-foot prohibited area at the polling place.

[HB599](#) (Black) Would have extended to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. The bill would have explicitly provided that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name.

[HB764](#) (Watts) Would have allowed any locality that entered into an agreement with VDOT regarding sign enforcement in VDOT rights-of-way, by ordinance to also prohibit the erection of campaign signs more than 45 days before an election and restrict or prohibit erection of signs larger than six square feet.

[HB1092](#) (Brink) and [SB214](#) (Ticer) Would have provided that the State Board of Elections could prescribe voting materials in a language other than English if the Commonwealth or a locality was required to provide such materials pursuant to bilingual election requirements of federal law.

[HB1097](#) (Brink) and [SB91](#) (Howell) Would have authorized State and local government agencies to grant an employee leave to arrive late to work, or leave early, when the polls would not be open at least three hours before or three hours after the employee's regular work hours. The voting leave would not count against the employee's annual leave.

EMINENT DOMAIN

Passed

[HB843](#) (Drake) Requires a pretrial, nonbinding settlement conference before a neutral third party when requested by either the condemning authority or the property owner whose property is being condemned.

ENVIRONMENT

Passed

[HB1257](#) (Dillard) and [SB592](#) (Hanger) Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure.

Dead

[SB142](#) (Ticer) Would have removed the caps on the amount the State Water Control Board can charge for the processing of an application for the various types of water permits.

FINANCE/TAXATION

Passed

[HB963](#) (Almand) and [SB562](#) (Ticer) Allow any county with the county manager plan of government (Arlington County) to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a County conference center. The revenues collected from the additional tax are to be designated and spent for the design, construction, and debt payment for the center.

Carried Over

[HB371](#) (Cole) Would allow the local governing body to exempt subscribers 65 years of age and older from the local E-911 tax.

Dead

[HB741](#) and [HB742](#) (Barlow) Would have provided counties the same authority to levy the local cigarette tax that cities and towns currently enjoy, subject to approval by voter referendum. Would have repealed the current law allowing Fairfax and Arlington Counties to impose the tax, although this was not the intent of the patron.

[SB385](#) (Whipple) Would have provided counties the same authority to levy the local cigarette tax that cities and towns currently enjoy; would have repealed the current law allowing Fairfax and Arlington Counties to impose the tax, although not the intent.

FREEDOM OF INFORMATION ACT (FOIA)

Passed

[HB235](#) (Gear) Provides that a report of a consultant hired by or at the request of a local public body or its chief administrative officer shall be subject to the disclosure requirements of the Freedom of Information Act if the contents of the report have been distributed or disclosed to members of the public body or the public body has scheduled any action on a matter that is subject of the consultant's report.

[HB395](#) (Lingamfelter) Adds an exemption from the mandatory release provisions of FOIA the names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaint made to a local governing body.

GENERAL GOVERNMENT

Passed

[HB106](#) (Marshall) Authorizes boards of supervisors and city or town councils to post prominently in a conspicuous place in their primary local government administrative building the phrase, "In God We Trust, the National Motto, enacted by Congress in 1956." The Office of the Attorney General is required to intervene on behalf of local governments that might be sued as a result and to provide legal defense of this provision.

[HB108](#) (Marshall) Requires all school boards to post the statement "In God We Trust, the National Motto, enacted by Congress in 1956," in a conspicuous place in each school. The Attorney General is required to intervene on behalf of any school board that might be sued as a result and to provide legal defense of this provision.

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Dead

[HB111](#) (Marshall) Would have prohibited consideration of any bill that refers to one or more, but less than all, localities for the purpose of raising or imposing taxes, or providing for a voter referendum for such, by means other than by their names. The bill would have permitted cross-references to names of localities listed in another statute and the classification of localities by any means that bears a reasonable relation to the purpose of the bill, if listing names would be unduly burdensome or impracticable.

[HB842](#) (Drake) Would have provided that permits issued under the Uniform Statewide Building Code are valid for one year from the date of issuance. No extension could be granted by the local building official after three years from the date of the original issuance of the permit.

HEALTH AND HUMAN SERVICES

Passed

Aging

HB1084 (Brink) Adds the option of evaluation by a licensed clinical psychologist to determine if a resident has a serious cognitive impairment prior to placement in an assisted living facility.

SB197 (Deeds) Clarifies that assisted living facilities must post the rights and responsibilities of residents, rather than the facilities' implementing policies and procedures.

Child Day Care

HB1208 (Nixon) Provides that regulations for licensed child day centers adopted by the State Board of Social Services or the Child Day-Care Council shall not require the membership, affiliation or accreditation services of any single, private accreditation or certification agency.

Child Protective Services

HB1043 (Moran) Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual and all adult household members residing in the home of the individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement.

SB219 (Ticer) Permits a social worker of a local department of social services or licensed child-placing agency to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange of all adult household members incident to the placement of a foster child with the child's prior family or other relative. Prior family is defined as any and all persons from whose custody the child was removed at the time the child was taken into custody by the agency.

Disabilities

HB9 (Hamilton) Revises the external human rights system for persons with mental retardation, developmental disabilities, or mental illness. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill establishes within the Office an ombudsman program to become effective July 1, 2004, and creates the Protection and Advocacy Fund.

HB813 (Almand) Requires the Board of HCD to advise the Governor and HCD on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services. The bill also requires the Department of HCD to develop a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

SB231 (Hanger) Revises State code language to reflect changes made in 1998 to the Rehabilitation Act of 1973, as amended. The changes update the list of vocational rehabilitation services, add the new consumer option to develop all or part of the written plan for services with or without Department assistance, revise the name of the written plan for services to "Individualized Plan for Employment" to emphasize the plan's goal to achieve an employment outcome and replace the outdated term "sheltered workshop" with "community rehabilitation program."

SB504 (Bolling) Grants the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services the authority to issue licenses to providers of day support, in-home support or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver. The Department of Rehabilitative Services shall collaborate with the Department of Mental Health, Mental Retardation and Substance Abuse Services in activities related to licensing providers of services under such waiver.

HEALTH AND HUMAN SERVICES (Cont.)

Passed

Disabilities (Cont.)

HJR219 (Van Landingham) and **SJR128** (Puller) Requests Department of Medical Assistance Services (DMAS) to work with the Department of Rehabilitative Services and the Department for Rights of Virginians with Disabilities to develop a Medicaid Buy-in program in Virginia. DMAS is urged to utilize the Medicaid Infrastructure grant to identify the steps needed to implement an effective Medicaid Buy-in, with the goal of utilizing data to develop initial legislation and budgetary recommendations that will be necessary to implement the Buy-in.

HJR236 (Van Landingham) and **HJR251** (Bloxom) Encourages the Virginia Disability Commission to make the identification of improved housing opportunities for citizens with disabilities its top priority for the 2002-2003 interim session and to facilitate collaboration among stakeholders to develop recommendations for strengthening intergovernmental and interagency coordination of housing programs for people with disabilities.

Foster Care & Adoption

HB1061 (Moran) Provides that, in addition to other factors, a court may terminate parental rights if it finds, based upon clear and convincing evidence, that a parent has subjected any child to, or failed to protect any child from, aggravated circumstances, which means torture, chronic or severe abuse or sexual abuse, if the victim of such conduct was a child of the parent or a child with whom the parent resided at the time such conduct occurred.

Mental Health/Mental Retardation/Substance Abuse

HB658 (Devolites) Permits community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of a list of certain crimes. The hiring provider must determine that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated.

HB995 (McDonnell) Outlines a plan for restructuring the system of mental health services involving existing State mental health facilities through a State and community consensus process. Requires State and local agencies to address funding, consumer placement, and community infrastructure issues and facility closures. Recommendations for facility closures must be made to the Joint Commission on Health Care which will then make recommendations to the Governor and the General Assembly.

Miscellaneous

HB747 (Plum) Expands the nature of the Virginia Home Energy Assistance Program by directing the Department of Social Services (DSS) to coordinate the activities of other agencies of the Commonwealth and participating nonstate programs, that try to alleviate the seasonal residential energy needs of low-income Virginians. DSS shall provide a clearinghouse for information exchange; collect and analyze data on the amounts of energy assistance provided and the extent of any unmet need; track recipients of assistance; and develop and maintain a statewide list of available private and governmental resources.

HB748 (Plum) Creates an income tax refund check-off for voluntary contributions to the Home Energy Assistance Fund.

HB1008 (McDonnell) Defines the responsibilities of the Department of Social Services concerning Faith-Based and Community Initiatives. DSS shall provide technical assistance and information to those faith-based, volunteer, charitable and private organizations that wish to compete for social services contracts under TANF and other eligible programs.

SB303 (Edwards) Recodifies Title 63.1 as Title 63.2. In accordance with § 30-152, the Virginia Code Commission, in 2000, undertook the recodification of Title 63.1. Title 63.1 is the legal authority for three departments under the Secretariat of Health and Human Resources: the Department of Social Services, the Department for the Blind and Vision Impaired, and the Department for the Deaf and Hard-of-Hearing.

HEALTH AND HUMAN SERVICES (Cont.)

Carried Over

Child Protective Services

HB920 (Griffith) and **SB168** (Byrne) Would provide that when any person voluntarily delivers a child no older than 72 hours to an infant receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant receiving facility. Infant receiving facilities include hospitals and police departments.

HB672 (Watts) Would provide for court appointed counsel to represent a parent, guardian or other adult in an abuse and neglect case and to receive compensation equivalent to that received by the guardian ad litem representing the child.

Foster Care & Adoption

SB36 (Miller, Y.B.) Would direct the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months.

Health

HB517 (Devolites) Would add a comprehensive eye examination conducted by an optometrist or ophthalmologist to the preschool health examination requirements for first-time enrollment in kindergarten or elementary school. Referrals for these examinations must include names of optometrists and ophthalmologists participating in FAMIS or Medicaid.

Miscellaneous

HB677 (Watts) Would require the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period to be reported quarterly.

HB766 (Watts) Would return to a custodial parent all child support collected by the Department of Social Services on behalf of recipients of TANF cash assistance pursuant to the assignment required as a condition of eligibility to such recipient. Such child support payments would be disregarded in determining (a) eligibility for TANF cash assistance and medical assistance services and (b) the amount of the TANF cash assistance payment.

SB161 (Byrne) Would establish, as a condition of licensure, staffing standards for all nursing homes.

HUMAN RIGHTS

Carried Over

HB581 (Welch) Would declare it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on a genetic characteristic. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants on the basis of a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor.

HB956 (Almand) Would add sexual orientation, age, gender and mental or physical disability to categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation, age, gender and mental or physical disability to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Dead

HB1015 (Scott) and **SB383** (Whipple) Would have prohibited discrimination in State employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability or sexual orientation. The bill also would have allowed any locality to enact an ordinance prohibiting discrimination in employment on the basis of sexual orientation, provided that the scope of the protections were not inconsistent with, nor more stringent than those provided by state laws prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

SB128 (Ticer) Would have added gender, physical disability and sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also would have added gender, physical disability and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also would have expanded the terroristic act reporting requirements of the State Police.

LAND USE

Carried Over

HB271 (Callahan) and **SB100** (Howell) Would grant all localities authority to establish by ordinance outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow, or for the purpose of conserving energy. This authority would expire on July 1, 2005.

HB769 (Watts) Would provide that any locality may include in its zoning ordinance restrictions on the number of adults residing in a dwelling unit based on the lot size and the zoning category. Such an ordinance shall provide (i) exceptions for the temporary presence of adults who have a legal residence elsewhere, (ii) for at least three adults in any dwelling unit, (iii) for a cap of no less than eight adults in any dwelling unit in an area zoned for lots of one acre or larger; and (iv) that the provisions of such ordinance do not apply to group homes and residential facilities as defined in § 15.2-2291.

SB618 (Deeds) Would provide authority for localities to enact ordinances that prohibit, restrict, or regulate the land application of sewage sludge.

PERSONNEL

Passed

HB757 (Amundson) Creates a presumption that certain infectious diseases (hepatitis, meningococcal meningitis, tuberculosis or HIV) causing the death or disability of firefighters, paramedics, emergency medical technicians, members of county, city or town police departments, sheriffs and deputy sheriffs, and certain State employees who are exposed to blood or body fluids are occupational diseases for the purposes of workers' compensation.

HB906 (Athey) Directs the Department of Human Resource Management to develop a long-term care insurance program for local employees, local officers, and teachers.

HB1237 (Jones, J.C.) Grants to commercial vehicle enforcement officers and motor carrier safety troopers employed by the State Police, and members of the Department of Motor Vehicles enforcement division the presumption that certain cancers are occupational diseases under the Workers' Compensation Act; the bill also includes in the definition of "firefighter" any person who is employed by or contracts with any private employer primarily to provide firefighting services.

Carried Over

HB506 (Drake) Would provide that during investigation or interrogation, law-enforcement officers, firefighters and emergency medical technicians shall have the right to be represented by counsel at all stages of the proceedings.

PROCUREMENT

Passed

HB851 (Albo) Requires performance or payment bonds on all contracts exceeding \$100,000 for construction projects on public property.

HB1215 (Oder) and **SB450** (Williams) States that upon the award of any public construction contract exceeding \$100,000 awarded to any prime contractor, the contractor shall furnish to the public body a performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. For transportation-related projects, such bond shall be in a form and amount satisfactory to the public body.

Carried Over

HB899 (Purkey) Would allow State and local entities to negotiate and award multi-phase professional services contracts for construction or infrastructure projects. Under current law this authority is limited to the Department of Transportation for certain professional services related to highways and bridges.

HB969 (Jones, D.C.) Would require faith-based organizations contracting with public bodies to have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code.

Dead

SB8 (Miller, Y.B.) Would have authorized, in any contract awarded by any State agency or any agency of local government, a payment clause that requires the contractor to pay his employees a living wage. For the purposes of this bill, "living wage" was defined as a wage equal to (i) 125 percent of the federal poverty level or (ii) 100 percent of the federal poverty level if fully paid, comprehensive family medical coverage would have been provided to the employee.

SCIENCE AND TECHNOLOGY

Passed

HB528 (Devolites) and **HB530** (Devolites) Increases the number of Commission members to 29 by adding certain ex officio members with voting power. The bill also reduces the number of Commission members appointed by the legislature and the governor from 20 to 12.

SB245 (Wampler) and **HB1021** (Marshall) Authorize any county, city or town to provide telephone services if the locality obtains a certificate for such service from the State Corporation Commission and complies with all applicable laws and regulations for the provision of competitive telecommunications services. A county, city or town that does not obtain a certificate to provide telephone services may offer qualifying telecommunications services, including high-speed data service and Internet access service, upon application to the SCC. The SCC shall approve such a petition if it is in the public interest, and if the proposed services are not available in quantity, quality, and price from three or more providers in the proposed geographic area. These bills will only confirm new authority in those areas of the State where there are few providers of high speed data services.

HJR100 (Devolites) Supports the leadership of the Office of the Secretary of Technology, the Council on Technology Services, the Department of Motor Vehicles and the Department of Information Technology and their efforts to develop the My Virginia Personal Identification Number (My Virginia PIN), thus enabling citizens to conduct secure online transactions with multiple agencies across multiple levels of government.

HJR218 (Van Landingham) Requests the Secretaries of Technology and Health and Human Resources to work with representatives of technology industries to develop an action plan prescribing renewed partnerships among the Center for Innovative Technology (CIT), the Department of Information Technology (DIT) and rehabilitation agencies, to strengthen cooperation in advancing research and new technologies to respond to the talents and needs of persons with disabilities.

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Carried Over

HB514 (Marrs) Would declare that any public-owned system that accesses the Internet is a non-public forum and affords library boards and governing bodies authority to take the steps necessary to limit library access to the Internet.

HB602 (Black) Would require the library board or governing body of a library to select a technology for its computers that are accessible to children and have Internet access to filter or block Internet access through such computers to child pornography, obscenity and materials deemed harmful to juveniles as defined in Title 18.2. This bill requires the library board or governing body to certify compliance with these provisions to the Librarian of Virginia along with the filing of the acceptable use policy, which is already required.

HB533 (Devolites) and **SB567** (Byrne) Would prohibit sending unsolicited commercial electronic mail to persons if it uses a third party's domain name without permission; contains false or forged transmission information; contains false or misleading information in the subject line or if the person indicates that he does not wish to receive commercial electronic mail from the sender. The purpose of the bill is to curb a practice known as "spamming," the sending of unsolicited commercial e-mail to unsuspecting recipients.

HB1363 (Nutter) and **SB612** (Trumbo) Would make the unsolicited transmission of advertising materials by facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease.

TRANSPORTATION

Passed

HB22 (Rollison) Allows taxicabs to use HOV lanes if they have two or more occupants, including the driver.

HB290 (McDonnell) Creates the Intermodal Office within the Office of the Secretary of Transportation.

HB570 (May) Authorizes the DMV to release vehicle owner data to the DEQ in connection with enforcement actions involving on-road testing of motor vehicles. The bill also makes the DEQ responsible for the establishment and operation of a program to subsidize repairs of vehicles that fail to meet emissions standards, when the owner of the vehicle is financially unable to have the vehicle repaired.

HB735 (Black) Amends the enabling authority for the Route 28 Transportation Improvement District to authorize the Commonwealth Transportation Board (CTB) to receive and disburse tax revenues from the transportation improvement district under agreements entered into pursuant to the Public Private Transportation Act of 1995. Extends zoning protections for nonresidential properties within the tax district to the year 2037, or until all bonded indebtedness for transportation improvements within the district is paid off, whichever occurs first.

HB771 (Watts) Expresses the intent of the General Assembly that the Statewide Transportation Plan be produced with a statewide focus, and not as the result of an aggregation of smaller local, district, or regional plans.

HJR200 (Plum) Encourages the Virginia Department of Rail and Public Transportation, in cooperation with the Secretary of Transportation and the CTB, to work towards developing innovative alternative management strategies for transportation facilities and revenues in the Dulles Corridor.

Carried Over

HB109 (Marshall) Would authorize the CTB to issue Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes in the principal amount not to exceed \$750,000,000 to help fund and accelerate transportation projects already specified pursuant to the Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes Act of 2000.

HB110 (Marshall) Would authorize the CTB to issue revenue bonds in the principal amount not to exceed \$1 billion with the proceeds to be used for an electronic communication infrastructure project to aid telecommuting and ease traffic congestion and other specified transportation projects. The bill funds the bonds by dedicating one-third of the annual revenues from the insurance license tax.

HB1252 (Rollison) Would replace the present nine highway construction districts with seven regions, as recommended by JLARC. The bill also would reduce the membership of the CTB by two members, with the members hitherto appointed on a district basis to be replaced by members appointed on a regional basis. The five at-large members of the CTB would be elected by the General Assembly (three by the House of Delegates and two by the Senate) instead of being appointed by the Governor.

HB1253 (Rollison) Would replace the state primary, secondary, and urban highway systems with statewide, regional, and local highway systems and would revise the system of allocating state funding to those highway systems.

HB1276 (Rust) Would allocate urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled per lane-mile, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

SB382 (Whipple) Would allow VDOT to fund and undertake pedestrian and bicycle projects apart from highway projects.

TRANSPORTATION (Cont.)

Dead

HB764 (Watts) Would have allowed any locality that has entered into an agreement with VDOT regarding sign enforcement in VDOT rights-of-way to also prohibit by ordinance the erection of campaign signs more than 45 days before an election and restrict or prohibit erection of signs larger than six square feet.

HB806 (Almand) Would have required the VDOT to develop and implement a program to establish regional bicycle advisory committees.

HB1176 (Albo) Would have prohibited turns by trucks (including combinations with trailers and semitrailers) traveling on Rolling Road onto Fullerton Road and vice versa.

HB1329 (Bolvin) Would have allowed Fairfax County and towns within it and Prince William County by ordinance to regulate or prohibit parking of trailers or semitrailers (regardless of whether they are attached to another vehicle) and vehicles primarily used for commercial purposes, if they have a registered gross weight of 6,000 pounds or more.

HB1340 (Suit) Would have amended the Virginia Federal Highway Reimbursement Anticipation Notes Act of 2000 by making all projects that are ready to be advertised for construction, and that are listed in the adopted Capital Improvement Program of the Virginia Transportation Development Plan eligible for funding from the proceeds from such notes.

SB33 (Chichester) Would have authorized the CTB to issue Commonwealth of Virginia Transportation Appropriation Bonds pursuant to Article X, Section 9 (d) of the Virginia Constitution in an amount not to exceed \$317 million in FY 2003 and \$335.6 million in FY 2004 for a total of \$652.6 million. The purpose of the bonds would have been to provide funds for paying the costs of projects authorized in the Virginia Transportation Development Plan.

SB34 (Chichester) Would have added to the general statutory powers of the CTB the authority to issue Commonwealth of Virginia Transportation Appropriation Bonds.

SB178 (Miller) Would have increased the fuels tax on (i) gasoline and gasohol from 17 and one-half cents to 22 and one-half cents per gallon, (ii) diesel fuel from 16 cents to 18 cents per gallon, and (iii) liquid alternative fuels used to operate a highway vehicle from 16 cents to 22 and one-half cents per gallon. All revenues attributable to the increases would be paid into the Transportation Trust Fund.

SB397 (Whipple) Would have required that prior to being allocated for any other purpose, 25 percent of all federal surface transportation program safety funds must be allocated statewide to fund pedestrian safety improvements, including but not limited to the Safe Routes to School Program.

HJR160 (McDonnell) Would have urged Congress to reauthorize the federal surface transportation program to (i) provide fair and equitable distribution of highway funds to states, (ii) ensure that firewalls between the TTF and other federal spending be maintained, (iii) continue Revenue Aligned Budget Authority, and (iv) meaningfully streamline federal environmental and other regulations to expedite project review and highway construction.

OTHER

Passed

HB102 (Callahan) Authorizes the Board of Visitors of Virginia Commonwealth University to establish the Virginia Commonwealth University School of Medicine - Northern Virginia Division.

SB402 (Chichester) Provides that a capital improvement plan (CIP) and budget recommendations for State capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The CIP lists projects that the Governor recommends be undertaken in the succeeding six fiscal years and must be submitted no later than August 15. The Governor is to provide a biennial appropriation for capital projects in an amount not less than two percent of the projected General Fund revenues for the biennium, dependent on revenue growth.

Fees

HB82 (Orrock) Increases from \$2 per year (two-for-life) to \$4 per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. From July 1, 2002, through June 30, 2004, the additional \$2 per year will be used for emergency medical services, first responders, and public safety purposes, with the existing \$2 per year continuing to be used to support emergency medical services. On and after July 1, 2004, all revenues will be used to support emergency medical services.

SB406 (Rerras) Provides that a locality may by ordinance authorize a sheriff to impose a processing fee, not to exceed \$25, on any individual admitted to the county or city jail following conviction. The fee is to be ordered as a part of court costs collected by the clerk and used by the local sheriff's office to defray the costs of processing arrested persons into local jails.

SB693 (Stolle) Allows a governing body to assess a fee of up to \$5 as part of the costs associated with each criminal or traffic case in district or circuit court. Different sums may be assessed for the different courts; funds are to be used for courthouse security personnel. A sunset clause of July 1, 2004 was added.

Carried Over

HB341 (Albo) Would have dedicated to the Virginia Land Conservation Foundation, on a phased-in schedule, the amount by which annual state recordation taxes exceed \$91.4 million. In 2002, 25 percent of such funds would be so dedicated; in 2003, 50 percent; in 2004, 75 percent; and in 2005 and thereafter, 100 percent.

PENDING STUDIES

Passed

HJR31 (Marshall) Establishes a joint subcommittee to review the State and Local Government Conflict of Interests Act.

HJR118 (Cox) and **SJR117** (Bolling) Continues the Commission Studying the Future of Virginia's Environment.

HJR60 (McDonnell) Continues a joint subcommittee that began to examine the revision of the state tax code. In continuing its work, the joint subcommittee shall:

1. Examine the report and recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century.
2. Seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system.
3. Consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation.
4. Consider current revenue capacity of localities and the sufficiency of their revenue tools.
5. Examine the number and costs of tax preferences including income tax subtractions, deductions and exemptions, and income tax credits currently in the tax code.
6. Estimate the loss in sales tax due to electronic commerce.
7. Evaluate the real estate assessment appeals process, the need for any changes to the process, and the effect that such changes would have on taxpayers and local governments.
8. Consider the long-term effect on the Commonwealth's revenues from the phase-out of the personal property tax.
9. Evaluate the appropriateness of the merchants' capital tax and the business, professional and occupational license tax.
10. Consider a plan to more equitably address tax preferences and rates for personal and business income taxes.
11. Determine the equitable division of support to be assumed by the State and localities for education and mandated services in light of the reforms recommended by the Commission.
12. Review the current method of imposing taxes on farm real estate and alternative methods for imposing farm real estate taxes, including the feasibility of replacing the current method with a tax on the value of what is produced by farms.

HJR156 (Hall) Continues the Commission on Growth and Economic Development for two years. The Commission is directed to continue its study of a wide variety of issues including local government taxing authority and structure as it may hinder preservation of open space, VDOT funding methods, VDOT minimum street width standards, and refunding to localities a portion of growth in State income tax revenues.

HJR162 (Hogan) Continues the Commission for the purpose of establishing the Center for Rural Virginia.

HJR209 (Bryant) Establishes a joint subcommittee to study the local taxes imposed on the entire telecommunications industry and its customers within the Commonwealth to ensure that the taxes imposed on this complex industry are fair and equitable to all elements of the telecommunications industry, and its customers, and are relatively easy to administer and collect. The joint subcommittee must report to the joint subcommittee studying Virginia's state tax code no later than August 1, 2002.

HJR211 (Callahan) and **SJR124** (Whipple) Establishes a joint subcommittee to study the implementation of recommendations of JLARC on aspects of Virginia's transportation programs, and the efficacy of transferring certain responsibilities of VDOT and local governments.

SJR58 (Hanger) Creates a commission to review, study and reform educational leadership.

PENDING STUDIES (Cont.)

Passed

SJR87 (Puller) Directs JLARC to recommend a State funding formula for educational technology and technology support personnel. In addition, JLARC is requested to study ways to enhance the use of federal assistance for educational technology, such as continuation of the E-rate program and the implementation of state tax credits for businesses that contribute technology resources to schools.

SJR111 (Mims) Directs the Virginia Housing Study Commission to study certain issues, including how to increase home ownership among minorities and new immigrants, payment of property owners litigation expenses in condemnation cases, and enforcement of fair housing laws.

SJR120 (Marye) Requests the Board of Education to revise the Standards of Quality (SOQ) to ensure that these statutory standards are realistic vis-a-vis the Commonwealth's current educational needs and practices. This resolution points out that the Board of Education was required, prior to 1984, to revise the SOQ every two years and to report these new standards to the General Assembly before the new budget cycle. The Board has only "prescribed" some new SOQ once in the last eight years; however, Virginia has implemented important standards-based reform through the Board's school accreditation regulations. JLARC's study of the funding of public education is noted, particularly its finding that the Board of Education needs to examine the SOQ in relation to the current educational needs and practices.

Dead

HJR97 (O'Brien) Would have created a joint subcommittee to study (i) what level of responsibility VDOT should bear for the maintenance of roads in private developments and (ii) the desirability and feasibility of shifting the primary responsibility for mass transit programs in Northern Virginia from local governments to VDOT and shifting from VDOT to local governments the primary responsibility for construction and maintenance of secondary roads. This was incorporated into HJR 211.

HJR153 (Marshall) Would have established a joint subcommittee to study the concentration of growth, development and revitalization in transit station areas and along current and proposed rail lines and the means of overcoming obstacles to such growth, development and revitalization.

OTHER RESOLUTIONS

Passed

HJR249 (Petersen) Expresses the sense of the General Assembly in support of the establishment of a permanent home for the Cold War Museum at the former Nike Missile Base in Lorton, Virginia.

SJR29 (Puller) Welcomes the National Museum of the United States Army to Fort Belvoir, which was chosen as the museum's site in October 2001.

Dead

HJR257 (Crittenden) Would have called upon the Governor to call a tax restructuring special session after adjournment of the 2002 Regular Session.

HJR260 (O'Brien) Would have commended the Fairfax County Board of Supervisors for creating the Occoquan Watershed and would have expressed the General Assembly's support for those who work to keep the watershed pristine and its opposition to attempts to permit or require paved trails in the watershed.